



CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA

MEMORANDUM



**Date:** November 5, 2012

**To:** Thomas J. Bonfield, City Manager

**Through:** Keith Chadwell, Deputy City Manager

**From:** Steven L. Medlin, AICP, Planning Director

**RE:** Proposed Amendment to the Unified Development Ordinance –  
EAR-FLUM Procedural Changes (TC1200004)

**Summary.** The *Durham Comprehensive Plan*, through *Policy 2.5.2C, Recreation and Open Space Updates*, and *Policy 2.5.2D, Voluntary Agricultural District Updates*, directs the Planning Department to update the Recreation and Open Space and Agricultural layers of the Future Land Use Map of the *Durham Comprehensive Plan* through the annual Evaluation and Assessment Report (EAR) process. In order to most efficiently implement these policies, changes should be made to the Unified Development Ordinance. In addition, the proposed amendment more clearly defines the components of the annual Evaluation and Assessment Report.

**Recommendations.** Staff recommends approval, based on policy direction from the *Durham Comprehensive Plan*. The Planning Commission recommended approval on a 12-1 vote at its September 11, 2012 meeting.

**Background.** The *Durham Comprehensive Plan*, through *Policy 2.5.2C, Recreation and Open Space Updates*, and *Policy 2.5.2D, Voluntary Agricultural District Updates*, directs the Planning Department to update the Recreation and Open Space and Agricultural layers of the Future Land Use Map of the *Durham Comprehensive Plan* through the annual Evaluation and Assessment Report (EAR) process. These changes and updates are of a technical matter, such as a Letters of Map Revision (LOMR) to the floodplain maps from the Federal Emergency Management Agency (FEMA), conservation easements obtained by a local government or non-profit agency, and/or agricultural easements obtained by a local government.

Since these technical changes to the Future Land Use Map are based on the definition of the layers in the *Durham Comprehensive Plan*, they are not a matter of policy. However, current notification requirements in the Unified Development Ordinance (UDO) for a Future Land Use Map amendment would be an inordinate burden on staff time and resources. Therefore, an amendment to the UDO should be made in order to most efficiently implement these policies through the EAR process.

In addition to the above changes in notification procedure, the proposed text amendment also more clearly enumerates the contents of the EAR. In the past, the EAR has consisted of three components: a progress report on implementation of the Durham Comprehensive Plan, changes to policies within the Durham Comprehensive Plan, and rectification of the Future Land Use Map for plan amendments from the previous year. However, these components have never been codified. The proposed text amendment also includes additional components to the EAR that have not been included previously but will be of interest to elected and appointed bodies.

**Issue.** Upon further consultation with other City and County departments, it was determined that a Voluntary Agriculture District designation is not sufficient protection for agricultural preservation. Therefore, staff is recommending that only parcels for which agricultural and/or conservation easements have been acquired be represented as Agricultural on the Future Land Use Map. This recommendation is reflected in the proposed text amendment.

**Staff Contact.** Aaron Cain, AICP, Planning Supervisor, 560-4137x28226, aaron.cain@durhamnc.gov

**Attachments.**

Attachment 1, An Ordinance to Amend the Unified Development Ordinance Regarding the Annual Evaluation and Assessment Report of the Durham Comprehensive Plan  
Attachment 2, Planning Commission Written Comments

cc: Keith Luck, AICP, Assistant Planning Director  
Teri Danner, AICP, RLA, Planning Supervisor  
Michael Stock, AICP, Senior Planner